

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Branch Banking and Trust Company,)
)
Plaintiff,)
vs.)
)
Pebble Creek Plaza, LLC; Yoel Iny; Noam)
Schwartz; Yoel Iny, Trustee of the Y&T Iny)
Family Trust dated June 8, 1994; Noam)
Schwartz, Trustee of the Noam Schwartz Trust)
dated August 19, 1999; and D.M.S.I., L.L.C.,)
)
Defendants.)
)

Case No.: 2:12-cv-01737-GMN-NJK

ORDER

Pending before the Court are four motions requesting summary judgment, filed by Defendants Yoel Iny; Noam Schwartz; Pebble Creek Plaza, LLC (“Pebble Creek”); Yoel Iny, Trustee of the Y&T Iny Family Trust dated June 8, 1994 (“Trustee Iny”); Noam Schwartz, Trustee of the Noam Schwartz Trust dated August 19, 1999 (“Trustee Schwartz”); and D.M.S.I., L.L.C. (“DMSI”) (collectively, “Defendants”). (ECF Nos. 41, 68, 69, 76.)

I. BACKGROUND

Plaintiff initiated this action against Defendants in October 2012, alleging causes of action arising out of a series of loan transactions originating with a loan from Colonial Bank, N.A., to Defendant Pebble Creek, as Borrower, secured by commercial property in Arizona, and for which Defendants Iny, Schwartz, Trustee Iny, Trustee Schwartz, and DMSI served as Guarantors. (Compl., ECF No. 1.) On May 23, 2013, Defendants filed a Second Amended Answer and Counterclaim. (Second Am. Answer, Countercl., ECF No. 26.)

II. DISCUSSION

Defendants have now filed four motions requesting the same relief – summary judgment

1 in their favor, pursuant to Rule 56 of the Federal Rules of Civil Procedure. (*See* Mot. Summ.
2 J., ECF No. 41; Mot. Summ. J., ECF No. 68; Mot. Summ. J., ECF No. 69; Mot. Summ. J., ECF
3 No. 76.)

4 Although the District of Nevada does require that a separate document must be filed for
5 each type of document or purpose (*see* Special Order 109, Electronic Filing Procedures for the
6 United States District Court for the District of Nevada, III.F.4. (D. Nev. Sept. 27, 2006)), here
7 Defendants' motions for summary judgment all request summary judgment in their favor
8 pursuant to Rule 56. (*See* Mot. Summ. J., ECF No. 41; Mot. Summ. J., ECF No. 68; Mot.
9 Summ. J., ECF No. 69; Mot. Summ. J., ECF No. 76.) Defendants' four motions for summary
10 judgment appear to be an inappropriate attempt to circumvent the page limitations of Local
11 Rule 7-4, which requires leave of the Court before any party may file a motion exceeding thirty
12 pages. *See* D. Nev. R. II.7-4. This conclusion is supported by Defendants' attempts to
13 "incorporate by reference" its briefing for previous motions.

14 Defendants' motions appear to be most properly brought as a single motion, and because
15 the Court finds no resulting unfair prejudice to any party, the Court finds that good cause exists
16 to deny Defendants' motions for summary judgment without prejudice.

17 The Court will deny all four motions as inappropriately-filed, with leave to re-file in
18 compliance with the applicable Federal Rules of Civil Procedure and Local Rules of Practice
19 for the United States District Court for the District of Nevada, including Special Order 109.

20 **III. CONCLUSION**

21 **IT IS HEREBY ORDERED** that the Motion for Summary Judgment (ECF No. 41),
22 Motion for Summary Judgment (ECF No. 68), Motion for Summary Judgment (ECF No. 69),
23 and Motion for Summary Judgment (ECF No. 76) are **DENIED without prejudice**, as
24 described in this Order.

25 **DATED** this 19th day of November, 2013.